

time required herein or if the Commission on its own review of the matter finds that a grant of the application is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission, on its own motion, believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

**David P. Boergers,**

*Acting Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. SA98-10-000]

#### Helmerich & Payne, Inc.; Notice of Petition for Adjustment

March 16, 1998.

Take notice that on March 3, 1998, Helmerich & Payne, Inc. (H&P), filed a petition, pursuant to section 502(c) of the Natural Gas Policy Act of 1978 (NGPA), for an adjustment of the Commission's refund procedures [15 U.S.C. 3142(c) (1982)] with respect to H&P's Kansas ad valorem tax refund liability.

The Commission's September 10, 1997 order on remand from the D.C. Circuit Court of Appeals,<sup>1</sup> in Docket No. RP97-369-000 *et al.*,<sup>2</sup> directed first sellers to make Kansas ad valorem tax refunds, with interest, for the period from 1983 to 1988. The Commission clarified the refund procedures in its *Order Clarifying Procedures* [82 FERC ¶ 61,059 (1998)], stating therein that producers [first sellers] could request additional time to establish the uncollectability of royalty refunds, and that first sellers may file requests for NGPA section 502(c) adjustment relief from the refund requirement and the timing and procedures for implementing the refunds, based on their individual circumstances.

H&P requests a 1-year deferral of payment, to the relevant Pipelines [Northern Natural Gas Company, Panhandle Eastern Pipe Line Company,

KN Interstate Gas Transmission Company, and Colorado Interstate Gas Company], of the principal and interest refunds attributable to royalties until March 9, 1999. In addition, H&P requests that it be allowed to place into an escrow account certain portions of the remaining refunds allegedly due to Pipelines. H&P asserts that these procedures are needed to ensure that it pays only that which is legitimately owed, and to ensure that it can recover the overpayment, if it is subsequently determined that its refund liability was less than that originally claimed by the Pipelines. H&P states that a 1-year deferral in the obligation to make royalty refunds is necessary in order to allow it to confirm the refund amounts due, to locate the prior royalty owners, and to seek recovery of such amounts from the proper royalty owners.

On or before March 9, 1999, H&P proposes to file with the Commission documentation of those royalties which were not collectible and disburse to Pipelines those royalty refunds which were recovered (principal only), except for refunds attributable to pre-October 3, 1983, production. At that time, H&P proposes to place the interest from royalty refunds which was recovered in its escrow account to protect the royalty owners. In addition, H&P asserts that its proposal for an escrow account is necessary to protect its property and that of its royalty owners. H&P also proposes to place the following amounts into that escrow account:

- (1) The principal amount of refunds and interest thereon attributable to royalty refunds (during the 1-year deferral period);
- (2) The principal and interest amount of refunds attributable to production prior to October 3, 1983 (excluding royalties attributable thereto during the 1-year deferral period); and
- (3) The interest due on principal refunds other than royalty refunds (during the 1-year deferral period) and pre-October 3, 1983, production refunds.

H&P requests the 1-year deferral and the authorization to place such monies into an escrow account pursuant to the Commission's January 28, 1998, *Order Clarifying Procedures*.

Any person desiring to be heard or to make any protest with reference to said petition should on or before 15 days after the date of publication in the **Federal Register** of this notice, file with the Federal Energy Regulatory Commission, Washington, D.C. 20426, a motion to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 384.214, 385.211,

385.1105, and 385.1106). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules.

**David P. Boergers,**

*Acting Secretary.*

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. MG98-7-000]

#### Midcoast Interstate Transmission, Inc.; Notice of Filing

March 16, 1998.

Take notice that on March 5, 1998, Midcoast Interstate Transmission, Inc. (Midcoast) filed standards of conduct in response to a February 5, 1998 order from the Director, Office of Pipeline Regulation, requiring that Midcoast revise its standards of conduct to reflect the relocation of the offices of its marketing affiliate.<sup>1</sup>

Midcoast states that it has served copies of its revised standards of conduct upon each person designated on the official service list compiled by the Secretary in this proceeding.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.W., Washington, D.C. 20426, in accordance with Rules 211 or 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 or 385.214). All such motions to intervene or protest should be filed on or before March 31, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

**David P. Boergers,**

*Acting Secretary.*

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<sup>1</sup> *Public Service Company of Colorado v. FERC*, 91 F.3d 1478 (D.C. 1996), cert. denied, Nos. 96-954 and 96-1230 (65 U.S.L.W. 3751 and 3754, May 12, 1997).

<sup>2</sup> See 890 FERC ¶ 61,264 (1997); order denying reh'g issued January 28, 1998, 82 FERC ¶ 61,058 (1998).

<sup>1</sup> 82 FERC ¶ 62,074 (1998).